

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JOSHUA DUNN,)	
)	
Plaintiff)	
)	No. 3:15-0635
v.)	Judge Crenshaw/Bryant
)	Jury Demand
SEAN BRANTLEY, <i>et al.</i> ,)	
)	
Defendants)	

TO: THE HONORABLE WAVERLY D. CRENSHAW, JR.

REPORT AND RECOMMENDATION

On June 4, 2015, Plaintiff Dunn, a prisoner proceeding *pro se*, filed his complaint alleging claims for his conditions of confinement and Defendants' excessive use of force (Docket Entry No. 1).

On June 29, 2015, the Court in an order directed Plaintiff to submit the \$400 civil filing fee or, alternatively, file a completed application to proceed *in forma pauperis* (Docket Entry No. 5). Plaintiff Dunn submitted an application for leave to proceed *in forma pauperis*, but the certification of the amount of his inmate trust account was not properly notarized as required by Administrative Order No. 93. This order requires that all applications to proceed *in forma pauperis* filed by prisoners be signed by an authorized custodian of prison accounts and be notarized by a licensed Notary Public of the state in which the prisoner is incarcerated.

On April 21, 2016, the undersigned Magistrate Judge entered an order directing the Clerk to mail to the Plaintiff

another blank application to proceed *in forma pauperis* (Docket Entry No. 18). This order directed the Plaintiff to return the completed application, properly notarized, to the Clerk within 30 days of service of the order. This order admonished Plaintiff that his failure to respond to this order may cause his complaint to be dismissed for failure to pay the filing fee. Despite this admonition, Plaintiff has failed to return the properly completed application to proceed *in forma pauperis*.

For the foregoing reason, the undersigned Magistrate Judge finds that Plaintiff's complaint should be dismissed, without prejudice, for his failure to pay the required filing fee or, alternatively, to submit an application to proceed *in forma pauperis* that complies with local administrative orders.

RECOMMENDATION

For the reasons stated above, the undersigned Magistrate Judge recommends that the complaint be dismissed without prejudice for Plaintiff's failure to pay the required filing fee.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further

appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

ENTER this 10th day of June, 2016.

/s/ John S. Bryant

JOHN S. BRYANT

United States Magistrate Judge